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Chile Project (#S1999000030)
U.S. Department of State
Release ☒ Excise ☒ Deny ☒
Declassify: In Part ☒ In Full ☒
Exemption(s) _____

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	PRS-01	P-01	RP-10	SCT-03	SIL-01	SNP-01	SP-01
	SR-01	SS-01	STR-20	TRSE-00	T-01	USIE-00	/087W
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R 201651Z NOV 91
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 4102
INFO AMEMBASSY ASUNCION
AMEMBASSY BOGOTA
AMEMBASSY BRASILIA
AMEMBASSY BUENOS AIRES
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C O N F I D E N T I A L SECTION 01 OF 04 SANTIAGO 09350
E.O. 12356:DECL: OADR
TAGS: PGOV, PTER, PHUM, CI
SUBJECT: "POLITICAL PRISONERS" ISSUE BECOMES MAJOR
IRRITANT FOR GOC

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SUMMARY

1. (C) A HUNGER STRIKE BY FOUR "POLITICAL PRISONERS" AND PUBLIC DEMONSTRATIONS SEEKING THE RELEASE OF SOME 70 DETAINEES HAVE FORCED THE AYLWIN GOVERNMENT TO MOVE MORE QUICKLY TO RESOLVE THE FATE OF THOSE ARRESTED BEFORE 1990 FOR POLITICALLY MOTIVATED CRIMES. THE CONGRESS APPROVED SPECIAL LEGISLATION TO SPEED UP THEIR TRIALS AND REDUCE PRISONER BACKLOG. THE GOC NONETHELESS FACES A PREDICAMENT, AS VIRTUALLY ALL HAVE COMMITTED SERIOUS OFFENSES, INCLUDING MURDER, AND SOME PARTICIPATED IN CHILE'S

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BETTER-KNOWN TERRORIST INCIDENTS. THOUGH IMMEDIATE TENSIONS HAVE SUBSIDED, THE EXTREME LEFT CONTINUES TO RATCHET PRESSURE FOR THE RELEASE OF ALL "POLITICAL PRISONERS," WHILE THE RIGHT OPPOSES PARDONING AND RELEASE OF THOSE INVOLVED IN CAPITAL CRIMES. END SUMMARY.

THE ISSUE

2. (C) "POLITICAL PRISONER" IS THE TERM LOOSELY APPLIED TO INDIVIDUALS ARRESTED FOR COMMITTING POLITICALLY MOTIVATED CRIMES DURING THE 1973-1990 PINOCHET REGIME, INCLUDING TERRORIST ASSAULTS. WHEN PRESIDENT AYLWIN WAS INAUGURATED ON MARCH 11, 1990, THERE WERE MORE THAN 400 DETAINEES IN THIS CATEGORY. THE FIGURE HAS SINCE DROPPED

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BELOW 70. THE ISSUE REMAINS SENSITIVE BECAUSE SOME OF THOSE STILL IN PRISON HAVE BEEN CONVICTED OF SERIOUS CRIMES AND SENTENCED, OTHERS STILL AWAIT SENTENCING, AND YET OTHERS HAVE YET TO BE TRIED. THOSE SUPPORTIVE OF RELEASING THESE PRISONERS ARGUE THAT VIRTUALLY ALL HAVE BEEN SUBJECTED TO UNFAIR TRIALS, SEVERE TORTURE, AND UNJUST SENTENCES.

3. (C) THE "POLITICAL PRISONERS" ISSUE HAS BEEN A PRIORITY FOR THE AYLWIN ADMINISTRATION. THE 1980 CONSTITUTION DID NOT PERMIT PRESIDENTIAL PARDONS FOR THOSE CONVICTED OF STATE SECURITY CRIMES, INCLUDING TERRORISM, NOR COULD THE COURTS RELEASE THEM ON BAIL. IN MARCH, 1991, THE CONGRESS REFORMED THE CONSTITUTION, GIVING THE PRESIDENT TEMPORARY AUTHORITY TO PARDON THOSE CONVICTED OF SECURITY OR TERRORIST CRIMES COMMITTED BEFORE MARCH 11, 1990 (SEE REFTEL). AYLWIN SAID HE WOULD PARDON ON A CASE-BY-CASE BASIS AFTER A CAREFUL REVIEW.

REASONS FOR DELAY

4. (LOU) THE GOC EFFORT TO RELEASE "POLITICAL PRISONERS" HAS BEEN HINDERED BY AN INEFFICIENT AND OVER-BURDENED JUDICIAL PROCESS AND COMPLICATED BY OPPOSITION FROM THE RIGHT. BEFORE THE PRESIDENT GRANTS A PARDON, THE PRISONERS MUST BE CONVICTED AND SENTENCED BY THE COURTS. MILITARY TRIBUNALS, WHICH HAD JURISDICTION IN THESE CASES UNTIL THIS YEAR, LET THEM DRAG ON FOR YEARS. UNDER THE 1991 "CUMPLIDO" LAWS (NAMED AFTER THE CURRENT JUSTICE MINISTER)

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LAW EARLIER THIS YEAR WAS DEEMED UNCONSTITUTIONAL AND HAD

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TO BE REVISED.) THE JUDICIAL APPOINTEES WILL WORK IN THE
APPEALS COURTS TO HELP CLEAR OUT THE JUDICIAL BACKLOG
AFFECTING "POLITICAL PRISONERS." THE PRESIDENT WILL THEN
BE ABLE TO PARDON REMAINING PRISONERS AS HE DEEMS
APPROPRIATE.

STATUS OF PRISONERS

6. (C) ACCORDING TO VERONICA REINA FROM THE "FUNDACION
DE AYUDA SOCIAL DE LAS IGLESIAS CRISTIANAS" (FASIC) -- A
HUMAN RIGHTS ORGANIZATION WITH THE MOST COMPLETE RECORD OF
THE ISSUE -- THERE ARE STILL 69 "POLITICAL PRISONERS," 64
OF WHOM CONTINUE TO AWAIT SENTENCING. REINA TOLD POLOFF
THAT DESPITE AYLWIN'S PUBLIC COMMITMENT TO RELEASE
DETAINEES BY YEAR'S END, SHE BELIEVES BETWEEN 30 AND 40
WILL REMAIN INCARCERATED AT THAT TIME. SHE ARGUES THAT
THOSE CASES INVOLVING MORE THAN ONE CONVICTION FOR VIOLENT
CRIMES, INCLUDING MURDER, ARE LIKELY TO REQUIRE MORE TIME
TO PROCESS.

7. (C) MANY OF THE MORE COMPLICATED CASES WILL BE
RESOLVED BY SENDING INDIVIDUALS ABROAD UNDER VOLUNTARY
EXILE ("EXTRANAMIENTO"), AS HAS OCCURRED IN SEVERAL
INSTANCES TO DATE. JUSTICE MINISTER CUMPLIDO SAID THAT
THE GOC WILL NOT EXILE CHILEANS, BUT THAT PRISONERS WHO
WOULD OTHERWISE REMAIN IN JAIL CAN REQUEST VOLUNTARY
EXILE. THE NUMBER OF COUNTRIES WILLING TO ACCEPT THESE
INDIVIDUALS, HOWEVER, HAS DROPPED SINCE THE RETURN OF
DEMOCRACY TO CHILE.

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MIXED POLITICAL REACTION

8. (C) CHRISTIAN DEMOCRAT DEPUTY ANDRES AYLWIN (THE
PRESIDENT'S RESPECTED HUMAN RIGHTS ACTIVIST BROTHER) HAS
TAKEN UP THE CAUSE OF "POLITICAL PRISONERS" IN THE
CONGRESS, AND HAS BLAMED THE RIGHT FOR THE CURRENT

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IMPASSE. HE ARGUES THAT MORE FAR REACHING LEGISLATION, INCLUDING ALLOWING PROVISIONAL RELEASE OF PRISONERS AWAITING SENTENCING, COULD HELP RESOLVE THE PROBLEM. IN HIS VIEW, THE STATE DOES NOT HAVE THE MORAL AUTHORITY TO PUNISH ONE SIDE IN A POLITICAL CONFLICT WHEN IT HAS TAKEN NO ACTION AGAINST MEMBERS OF THE ARMED FORCES, WHO WERE THE MAJOR VIOLATORS OF HUMAN RIGHTS DURING THE PINOCHET ERA. ACCORDING TO THIS VIEW, WHICH IS SHARED IN VARYING DEGREES BY THE GOVERNING CENTER-LEFT CONCERTACION AS A WHOLE, MOST OF THE "POLITICAL PRISONERS" SHOULD BE RELEASED, WITH THE HARD CORE VOLUNTARILY EXILED. CHAMBER OF DEPUTIES PRESIDENT JOSE ANTONIO VIERA GALLO (PPD/SOCIALIST) ADVOCATES A BLANKET AMNESTY, BUT THIS IS A MINORITY VIEW. MINISTER OF JUSTICE CUMPLIDO SAID THE GOVERNMENT HAS THE AUTHORITY IT NEEDS, BUT THE JUDICIAL PROCESS SHOULD BE SPEEDED UP.

9. (U) ON THE RIGHT, THE INDEPENDENT DEMOCRATIC UNION (UDI) AND THE NATIONAL RENEWAL (RN) HAVE ACCUSED THE GOVERNMENT OF BEING WEAK AND SEEKING THE WRONG SOLUTION TO THE PROBLEM. THEY ARGUE THE GOC IS BEING PRESSURED, AND THEY STRONGLY OBJECT TO THE ESTABLISHMENT OF JUDICIAL PRIVILEGES FOR THE DETAINEES. THE RIGHT CLAIMS THE

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LEGISLATION WHICH GIVES THEM PRIORITY INTERFERES IN THE JUDICIAL PROCESSING OF OTHERS SUCH AS COMMON CRIMINALS. THOUGH RN AND UDI CLAIM TO SUPPORT QUICKER JUDICIAL PROCESS, BOTH PUBLICLY OPPOSE PENDING LEGISLATION THAT WOULD FIX A TIME LIMIT ON JUDGES TO SENTENCE PRISONERS AND PROVISIONALLY RELEASE THEM IF NO SENTENCE IS FORTHCOMING.

DEMONSTRATIONS AND HUNGER STRIKES
DESIGNED TO FORCE THE GOVERNMENT'S HAND

10. (U) PARTLY IN RESPONSE TO THE FRUSTRATIONS OF THE

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R 201651Z NOV 91
FM AMEMBASSY SANTIAGO
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INFO AMEMBASSY ASUNCION
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E.O. 12356:DECL: OADR
TAGS: PGOV, PTER, PHUM, CI
SUBJECT: "POLITICAL PRISONERS" ISSUE BECOMES MAJOR

REMAINING "POLITICAL PRISONERS," FAMILY MEMBERS AND

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SUPPORTERS (INCLUDING ELEMENTS OF THE CHILEAN COMMUNIST PARTY) HAVE ORGANIZED A SERIES OF DEMONSTRATIONS IN DOWNTOWN SANTIAGO. SOME OF THESE DEMONSTRATIONS HAVE BECOME VIOLENT, WITH LOCAL POLICE RESPONDING WITH TEAR GAS AND WATER CANNONS. THE WELL-ORCHESTRATED NOVEMBER 12 DEMONSTRATIONS IN DOWNTOWN SANTIAGO, THE MOST VIOLENT IN THE SERIES OF PROTESTS, WERE CLEARLY INTENDED TO CAUSE DISORDER. SOME DEMONSTRATORS TOSSED MOLOTOV COCKTAILS AND CAUSED MINOR PROPERTY DAMAGE. THOUGH THE SECURITY FORCES DETAINED MORE THAN 250 PEOPLE, INCLUDING ONE U.S. CITIZEN LIVING IN CHILE (A MARYKNOLL LAY MISSIONARY), ALL WERE RELEASED SHORTLY THEREAFTER.

11. (U) THE COMMUNIST PARTY ACKNOWLEDGED ITS EFFORTS TO TURN OUT PROTESTERS BUT DENIED INVOLVEMENT IN THE VIOLENCE. COMMUNIST PARTICIPATION, HOWEVER, WAS CLEAR, AND THE GOC ASSUMES THAT THE COMMUNISTS WORKED TOGETHER WITH CHILE'S VIOLENT GROUPS, NOTABLY THE DISSIDENT FACTION OF THE MANUEL RODRIGUEZ PATRIOTIC FRONT (FPMR/D), LAUTARO, AND THE MILITARY FACTION OF THE MOVEMENT OF THE REVOLUTIONARY LEFT (MIR).

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12. (U) CONCERTACION LEADERS HAVE CRITICIZED THOSE PROVOKING THE RECENT VIOLENCE, AND HAVE BEEN SUPPORTIVE OF THE GOC. SOCIALIST PARTY PRESIDENT JORGE ARRATE, FOR EXAMPLE, STATED THAT CRITICISM DIRECTED AGAINST THE GOC HAS BEEN UNFAIR BECAUSE IT IS DOING ALL IT CAN WITHIN THE COUNTRY'S LEGAL FRAMEWORK. HE ARGUED THAT THE HOLDUP WAS IN THE JUDICIAL BRANCH AND THAT ANY CRITICISM SHOULD BE DIRECTED AT OPPOSITION PARLIAMENTARIANS WHO OPPOSE THE GOVERNMENT'S DESIRED LEGISLATION.

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13. (C) IN ANOTHER DEVELOPMENT, AFTER 45 DAYS THE FINAL FOUR "POLITICAL PRISONERS" ON HUNGER STRIKE ENDED THEIR FAST NOVEMBER 13 -- MUCH TO THE RELIEF OF THE GOC. IN RECENT WEEKS THESE INDIVIDUALS RECEIVED CONSIDERABLE ATTENTION INCLUDING HIGH LEVEL VISITS IN PRISON. (TWO OF THE FOUR HUNGER STRIKERS HAVE NOTORIOUS RECORDS. MIGUEL COLINA HAS BEEN SENTENCED TO EXECUTION AND TO LIFE IMPRISONMENT, AND HAS ADDITIONAL SENTENCES OF 15, THREE, AND TWO YEAR TERMS. HE WAS INVOLVED IN THE 1986 ASSASSINATION ATTEMPT AGAINST GENERAL PINOCHET, IN WHICH FIVE OF THE FORMER PRESIDENT'S BODY GUARDS WERE KILLED. GUILLERMO RODRIGUEZ HAS BEEN CONDEMNED TO LIFE IMPRISONMENT PLUS 10 AND 15 YEARS TERMS. HE ALSO HAS THREE PENDING TRIALS.) AT A PRESS CONFERENCE ANNOUNCING THE END OF THE HUNGER STRIKE, THE FOUR DENOUNCED THE AYLWIN GOVERNMENT'S INABILITY TO RESOLVE THEIR PLIGHT,

CO

CALLING CHILE A "CAPTIVE DEMOCRACY" WITH THE "INHERITED INSTITUTIONALITY OF THE DICTATORSHIP."

14. (C) THE CONFRONTATIONAL TACTICS USED BY THE FASTING PRISONERS AND THEIR SUPPORTERS POSE A DILEMMA FOR THE AYLWIN GOVERNMENT. BY MOVING FORWARD WITH ITS ORIGINAL PLAN TO EXPEDITE THE RELEASE OF THE PRISONERS, THE GOVERNMENT APPEARS TO SUCCUMB TO THE PROTESTS. EVEN THOUGH THEY VOTED FOR THE GOC LEGISLATION, RN AND UDI ARE NOW ACCUSING THE GOVERNMENT OF WEAKNESS AND EVEN COMPLICITY WITH THE PROTESTERS.

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COMMENT

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15. (C) THE GOVERNMENT HAS WEATHERED THE POLITICAL DISTURBANCES, BUT THE PROBLEM IS FAR FROM BEING RESOLVED. THE CONCERTACION REMAINS UNITED BUT THE OPPOSITION (BOTH THE RIGHT AND EXTREME LEFT) WILL CONTINUE TO TRY TO EXPLOIT THE ISSUE POLITICALLY. THE COMMUNISTS, FOR EXAMPLE, HAVE MADE IT A RALLYING POINT FOR THEIR FIRST COORDINATED ATTACK ON THE GOVERNMENT, AND WE CAN EXPECT MORE MILITANT OUTINGS AS MUNICIPAL ELECTIONS APPROACH. AT THE SAME TIME, THOUGH THE "POLITICAL PRISONERS" RECEIVED

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MUCH PUBLICITY, RECENT PUBLIC OPINION POLLS SHOW A GREATER

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CONCERN THROUGHOUT CHILEAN SOCIETY OVER DELINQUENCY, WHICH

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MANY EQUATE WITH THESE CRIMES, THAN WITH HUMAN RIGHTS.

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